IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

Crl.Rev.Pet.No. 486 of 2000()

CRA.6/1998 of SESSIONS COURT, THRISSUR
CC.398/1995 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, THRISSUR

.....

REVN. PETITIONER: APPELLANT:ACCUSED:

BHASKARAN,
S/O.MUNDANATTIL MADHAVAN,
KUTTANELLOOR DESOM,
MARATHAKKARA VILLAGE,
THRISSUR DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU
SMT.MINI JOHN PAREMALIL

RESPONDENT:RESPONDENT:COMPLAINANT:

STATE OF KERALA, REPRESENTED
BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 07/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

ORDER ON C.M.P.NO.2747/2000 IN CRL.R.P.NO.486/2000

DISMISSED

7/11/2007 **SD/-K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.A.TO JUDGE

KSS

K.R.UDAYABHANU, J

Crl.R.P.No.486 of 2000

Dated this the 7th day of November, 2007

O R D E R

The revision petitioner is the accused in C.C.No.398/95 in the file of Judicial First Class Magistrate Court-I, Thrissur, who stands convicted for the offences under Sections 279, 337 and 338 IPC and sentenced, as modified by the appellate court, to undergo simple imprisonment for one month for each of the offences and to pay a fine of Rs.500/- and in default, to undergo simple imprisonment for one month under Section 279 IPC and to pay a fine of Rs.500/- and in default, to undergo simple imprisonment for one month under Section 337 IPC and to pay a fine of Rs.1,000/- and in default, to undergo simple imprisonment for two months with direction to run sentences concurrently.

2. The prosecution case is that on 15.3.1995 at about 5.30 p.m. the accused being the driver of the bus bearing registration No.KL.8/C.3777 drove the same in a rash and negligent manner so as to endanger human life and hit against a car driven by PW5 which came from the opposite direction.

3. The evidence adduced in the matter consisted of the testimony of PWs' 1 to 10 and Exts. P1 to P11.

4. The counsel for the revision petitioner has only pleaded for modification of the sentence. It is pointed out that the incident has taken place 12 years back and so far the accused/revision petitioner was facing the criminal proceedings. It is seen from the judgment of the lower appellate court that the accused/revision petitioner was then aged only 26 years and that was one of the reasons why the sentence was reduced.

5. In the circumstances and considering the long lapse of time, the sentence with respect to the offence under Section 338 IPC is modified to imprisonment till the rising of the court and to pay a compensation of Rs.7,500/- to PW4 who has sustained grievous hurt and in default, to undergo simple imprisonment for three months. No separate sentence is awarded for the rest of the offences. The revision petitioner is granted three months' time to remit the amount of compensation. He shall appear before the Judicial First Class Magistrate Court-I, Thrissur on 6.2.2008 to receive sentence.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl